

MINUTES

UTAH BOARD OF NURSING

December 14, 2007

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 a.m.

ADJOURNED: 1:16 p.m.

**Bureau Manager:
Secretary:**

Laura Poe
Shirlene Kimball
Connie Call, Discipline Specialist
Irene Gayheart, Investigator

Division Director:

F. David Stanley

Conducting:

Joel Allred

Board Members Present:

Peggy Brown
Mary Williams
Joel Allred
Laurie Simonsen
Marie Partridge
Diane Forster-Burke
Debra Schilleman
Barbara Jeffries
Susan Kirby
John Killpack

Board Members Excused:

Pam Rice

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

November 16, 2007 Minutes

Connie Call, Discipline Report:

DECISIONS AND RECOMMENDATIONS

The November 16, 2007 minutes were approved with corrections. All Board members in favor.

Report reviewed and attached to the minutes. Donna Cook, Stacie Wood and Carmen Maloy are out of compliance and will be invited to meet with the Board in January. Betty Long and Rhandi Robertson will be scheduled to meet with Ms. Poe and Ms. Call.

Board members reviewed the notice Ms. Call will be

sending out to probationers regarding non-compliance letters. Ms. Call stated the non-compliance letter will be sent on the fifth working day of the month and all individuals who have not submitted the required paperwork by that date will be considered out of compliance. If the probationer is non-compliant for two consecutive months, the individual will be required to meet with the Board.

Adjourned to Probation Peer Committees:

Group 1
Conducting: Marie Partridge
Secretary: Shirlene Kimball

Members present: Mr. Allred, Ms. Forster-Burke, Mr. Killpack, Dr. Williams and Ms. Partridge.

Glenda Salas,
Interview:

Dr. Williams conducted the interview. Ms. Salas reported things are going well. She stated she does not feel AA meetings are helpful, but likes the PIR meetings. She stated she has no thoughts of relapse and has not relapsed. She stated she has been on probation for almost 6 years. She stated she was almost finished with her 5 year probation when she forged employer reports and was placed on another 5 year probation. She indicated she would like the Board to reevaluate the full 5 years of probation. Committee members indicated she could request termination of probation at any time, however, she has only completed one year of the five year probation and the Board may consider it too early in the probation to terminate. She stated she has had no recent thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. She stated she has been clean 5 years and 4 months. Ms. Salas is current on all reports and appears to be in compliance with the terms and conditions of her probation.

Teresa Whitebread Goates,
Interview:

Ms. Forster-Burke conducted the interview. Ms. Goates reported she had shoulder surgery and then a tooth extraction in November. She received prescriptions from three different prescribing practitioners. Ms. Goates stated that one of the prescribing practitioners was the PA working with her physician and her physician was aware of the prescription. Committee members reminded her she must have only one prescribing practitioner. She

stated she is not taking any medications not legally prescribed for her. She stated she is no longer taking the pain medications prescribed for her for pain. She stated she has no thoughts of relapse and has not relapsed. Ms. Goates indicated her therapist only wants to see her quarterly. Committee members stated the therapist needs to submit a letter indicating he/she would only be seeing her on a quarterly basis. Ms. Goates stated she has been clean since October 5, 2004.

Peter Uluave,
Interview:

Mr. Killpack conducted the interview. Mr. Uluave explained the circumstances that brought him before the Board. He stated he has a new therapist and indicated therapy has been helpful. He continues to work at Salt Lake Regional. He indicated he has completed the boundary issue course; however, he still needs to complete the professional/legal and ethic courses. Mr. Uluave stated he will complete the courses within the next month. Mr. Uluave is out of compliance with his Order because he should have completed the courses within 6 months of the signing of the Order. Mr. Uluave's probation is scheduled to end September 2009. He stated he would like to request early termination of probation. Committee members indicated he could submit the request, however, he would need to be in compliance with all conditions of the Order before the Board would consider the request.

Camille Porter,
Interview:

Mr. Allred conducted the interview. Ms. Porter is requesting that she not be drug tested on weekends. She indicated she has been called to test on weekends the last three times her number has been called. She stated the testing center closest to her home is not open on the weekends and she has to travel a distance to be tested. Ms. Call had reported Ms. Porter missed calling CVI 3 times in 30 days. Mr. Allred voiced concern with her missed calls and then requesting she not be tested on weekends. Mr. Allred indicated she is out of compliance because she has missed calling in to CVI. Ms. Porter also indicated she is attending support group meetings even though she does not enjoy the meetings. She stated she has no thoughts of relapse and has not relapsed. She stated she has been clean since August 2003.

Rachel Lucia,
New Order:

Ms. Partridge conducted the interview. Ms. Lucia explained the circumstances that brought her before the Board. She reported she is currently in the Drug Court program for a minimum of 18 months and has 6 felony charges held in abeyance. She indicated she has been in a treatment program for the last 5 weeks. She indicated she understands the terms and conditions of her Order and understands the probation will not start until her license is returned and she is employed as a nurse. She stated she is not taking any medications not lawfully prescribed for her. She indicated her prescribing practitioner will be Dr. Avery and her pharmacy is Smiths. She stated she attends four AA and four NA meetings per month. She indicated there are no PIR meetings in Logan and requested her Order be amended to allow for NA meetings in lieu of PIR meetings. Committee members will recommend that the Order be amended to allow her to attend 2 NA meetings per month in lieu of PIR meetings. She will need to attend at least 4 12-step meetings per month. She stated she has no thoughts of relapse and has not relapsed.

Michael Ross,
New order:

Mr. Ross did not appear for his scheduled interview. He will be rescheduled next month.

Group 2
Conducting: Barbara Jeffries
Secretary: Connie Call

Members present: Ms. Poe, Ms. Jeffries, Ms. Kirby, Ms. Schilleman, Ms. Brown and Ms. Simonson.

Lillian Howell,
Interview:

Ms. Kirby conducted the interview. Ms. Howell reported she has not tried to find nursing employment. She indicated she will begin looking for a position after the first of January 2008. She stated she has had trouble finding an AA or PIR meeting that will take her because she is on Methadone. She stated she has been clean since 2001. Ms. Poe recommended her clean date should be at the time she was placed on a stable dose of Methadone, which would be one year.

Brent Pace,
New Order:

Ms. Jeffries conducted the interview. Mr. Pace explained the circumstances that brought him before the Board. He stated he understands the terms and conditions of the probation. He stated his clean date is the 2nd week of November 2007.

Dyan Farnworth,
Interview:

Ms. Simonsen conducted the interview. Ms. Farnworth is out of compliance because she did not submit prescriptions as requested. She submitted the prescriptions to Committee members. Committee members expressed concern that she is not taking responsibility for her actions or for her probation.

Joleen Gibbs/Gubler
Interview:

Ms. Gubler did not appear for her scheduled interview. She will be scheduled for next month.

Jeffrey Swyers,
Interview:

Ms. Brown conducted the interview. Mr. Swyers meet with the Committee. Ms. Call indicated he has to be reminded to submit his paperwork and Committee members informed him he will no longer receive a reminder. If he does not submit his paperwork on time, he will be out of compliance with the terms and conditions of his probation. Mr. Swyers indicated he has been clean for over 3 years.

Reconvened to Full Board at 11:10 a.m.:

Total Board Business:
Probation Peer Committee report:

Camille Porter missed calling CVI three times in 30 days. She has requested she not be drug tested on weekends. Committee members recommend denial of the request based on the missed calls. Ms. Partridge abstained. All other Board members in favor.

Rachel Lucia is requesting she be allowed to attend NA meetings in lieu of PIR meetings. Committee members recommend the Order be amended to allow her to attend 12-step meetings in lieu of PIR meetings. She must attend at least four 12-step meetings per month. All Board members in favor.

Kaylyn Thompson,
New Order:

Ms Jeffries conducted the interview. Ms. Thompson explained the circumstances that brought her before the Board. She stated she has completed the physical and substance abuse evaluations. She indicated she has been attending LDS 12-step meetings and completed Southwest Mental Health Intensive outpatient therapy last week. She stated her sobriety date was one year, but then she relapsed October 2007. She stated she has been clean since October 2007. She stated she is not taking any medications not lawfully

prescribed for her. She indicated she lives in an area where there are no PIR meetings available. She stated she attends 3-4 AA meetings per week as part of the outpatient program and will be attending for one year. Ms. Jeffries made a Motion to amend the Order to allow for 12-step meetings in lieu of PIR meetings. She will need to attend at least four 12-step meetings per month. Mr. Killpack seconded the Motion. All Board members in favor. Ms. Thompson will need to submit completion of the outpatient program before suspension will be lifted.

Ms. Gayheart, Division Investigator met with the Board to discuss Ms. Thompson. It appears that Ms. Thompson has not informed her employer that her license has been suspended. Ms. Thompson had indicated to the employer that her license was only restricted and has continued to practice as a nurse. It appears she is currently practicing without a license and the assistant attorney general will be notified to determine if further action will be taken.

Lunch 12:00 noon
Reconvened: 12:38 p.m.

Environmental Scan:

Ms. Poe reported the PN-NCLEX passing score will increase April 2008.

Ms. Poe indicated that NSCBN will be offering a web-cast on March 26, 2008 regarding the faculty shortage in nursing education programs. A room will be set up at the Heber Wells Building for Board members to watch the web-cast. The web-cast will be from 7:30 a.m. until 3:30 p.m. Ms. Schilleman, Ms. Rice, Ms. Forster-Burke and Dr. Williams indicated they would be willing to participate.

Ms. Poe reported on the changes taking place in the Division. She indicated that Bureaus have been reassigned professions. She indicated she will continue with the Nursing Board and has been assigned to the Dental Board. Ms. Call will continue as probation specialist.

Review Theresa Brewer's request to work 60 hours per week:

Ms. Brewer has been on probation since September 2006 and has done well on probation. Ms. Partridge

made a Motion to approve the request and to allow Ms. Brewer to work a maximum of 60 hours per week. Ms. Kirby seconded the Motion. All Board members in favor.

Review Karen Christiansen's request to be allowed to call in prescriptions to a pharmacy and to be allowed to work without the supervision of an RN or physician:

Ms. Christiansen has not worked for 8 months and just started a new job. Ms. Jeffries made a Motion to deny the request to be allowed to call in prescriptions and to work without the supervision of an RN or physician on the basis of not practicing for a period of time and for her safety; she would need to be monitored under supervision. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Education Committee report:

Ms. Forster-Burke indicated the Committee reviewed pass rates; discussed what needs to be included in a site visit, and began work on Rules for educational program requirements.

Update on Medication Aides:

Ms. Poe indicated she met with Representative Lockhart. Representative Lockhart indicated she would make the changes discussed and would be willing to sponsor a bill for citation authority. Ms. Poe indicated she met with the Utah Nurses Association Governance Committee who stated they will not oppose the Medication Aide Bill.

Ms. Poe reported citation authority would give the Division the ability to impose a fine for black and white violations and to issue a citation on the spot. The individual receiving the citation can contest it. A probation violation could be a citation.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

January 25, 2008
Date Approved

(ss) Joel Allred
Joel Allred, Acting Chair Board of Nursing

February 6, 2008
Date Approved

(ss) Laura Poe
Laura Poe, Bureau Manager, Division of Occupational & Professional Licensing